

APPEAL NO. 000081
ORDER NO. 00014

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 21, 1999. The issues at the CCH were whether the respondent's (claimant) compensable injury of _____, extended to his low back, whether he had disability, and what was his average weekly wage (AWW). The hearing officer determined that the compensable injury did not include an injury to the claimant's low back, that he did not have disability, and that his AWW was \$501.46. Appellant (carrier) has filed a conditional appeal on a single finding of fact conditioned on the claimant filing an appeal in this case. No appeal has been filed by the claimant and there is no response to the conditional appeal filed by the carrier.

DECISION

Finding that the carrier's appeal was conditioned on the filing of an appeal by the claimant and that claimant has not filed an appeal in this case, we dismiss the carrier's conditional appeal and determine that the decision and order of the hearing officer have become final pursuant to Section 410.169.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Alan C. Ernst
Appeals Judge

Tommy W. Lueders
Appeals Judge